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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Report of the Fifth Committee

Rapporteur: Mr. Jan Piotr **Jaremczuk** (Poland)

I. Introduction

1. The previous recommendations made by the Fifth Committee to the General Assembly under agenda item 142 appear in the report of the Committee contained in document A/54/678.

2. For its further consideration of the item, the Committee had before it the following documents:

(a) Identical letters dated 17 November 1999 from the Secretary-General addressed to the President of the General Assembly and to the Chairman of the Advisory Committee on Administrative and Budgetary Questions (A/54/634);

(b) Note by the Secretary-General transmitting the comments on the report of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/54/850);

(c) Report of the Advisory Committee on Administrative and Budgetary Questions (A/54/874).

3. The Fifth Committee resumed its consideration of the item at its 71st, 72nd and 74th meetings, on 25 and 26 May and 2 June 2000. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/54/SR.71, 72 and 74).

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II. Consideration of draft resolution A/C.5/54/L.85

4. At the 74th meeting, on 2 June, the representative of Pakistan, Vice-Chairman of the Committee and coordinator of the informal consultations on this item, introduced a draft resolution entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" (A/C.5/54/L.85).

5. At the same meeting, the Committee adopted draft resolution A/C.5/54/L.85 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Recalling its resolutions 53/212 and 53/213 of 18 December 1998, in which it requested the Secretary-General, with a view to evaluating the effective operation and functioning of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, to conduct a review in full cooperation with the Presidents of the Tribunals, without prejudice to the provisions of the statutes of the Tribunals and their independent character, and to report thereon to the relevant organs of the United Nations,

Further recalling its resolution 54/239 of 23 December 1999, in which it requested the Secretary-General to obtain comments and observations from the International Tribunal for the Former Yugoslavia on the report of the expert review group, and to submit them, through the Advisory Committee on Administrative and Budgetary Questions, to the General Assembly for consideration at its resumed fifty-fourth session,

1. *Takes note* of the report of the Expert Group[1] established by the Secretary-General pursuant to General Assembly resolutions 53/212 and 53/213 of

[1] A/54/634.

18 December 1998 and the note by the Secretary-General transmitting comments thereon;[2]

2. *Endorses* the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[3]

3. *Requests* the Secretary-General to transmit to the Security Council for its consideration the report of the Expert Group,[1] together with the note by the Secretary-General transmitting comments thereon;[2]

4. *Welcomes* the recent improvements in the functioning of the Tribunal, and encourages continued efforts to that effect;

5. *Notes* that work is in hand to address areas where improvement is needed, including those noted by the Expert Group and the external and internal oversight bodies;

6. *Requests* the Secretary-General to report, in the context of the budget of the Tribunal for 2001, reflecting the views of all organs of the Tribunal, on actions taken or to be taken to improve the functioning of the Tribunal, including in respect of the recommendations of the Expert Group that remain under review to the extent that they can be implemented, to the General Assembly at its fifty-fifth session;

7. *Requests* the Secretary-General to submit a comprehensive report on the results of the implementation of the recommendations of the Expert Group to the General Assembly at its fifty-sixth session;

8. *Notes* that the proposed budget for the International Tribunal for the Former Yugoslavia for 2000 did not include provision for all forensic experts later determined to be needed, and emphasizes that the Secretary-General should ensure that the budget proposals for the Tribunal are adequate and conform with the applicable rules and regulations and the relevant General Assembly resolutions;

9. *Confirms* the appropriation that was approved on a provisional basis in its resolution 54/239.

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[2] A/54/850.

[3] A/54/874.